

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4947 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RK OHRI

Versus

STATE OF GUJARAT

Appearance:

MR RN SHAH for Petitioners

MR DP JOSHI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/09/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. This Special Civil Application of the year 1981 has been filed by as many as four petitioners who were working on daily wages with the respondent No.2 and prayer has been made for their absorption in temporary establishment and to give them all benefits applicable

under the said Department by giving them further promotion taking into consideration the length of their services in workcharge establishment.

3. From the Special Civil Application, it appears that this petition has been filed by petitioners for themselves and for benefits of other persons as mentioned in annexure 'A'. If we go by annexure 'A', I find that the persons have been appointed in workcharge establishment on daily wages from the year 1952 to 1968. However, none of the counsel for the parties are in a position to say what subsequently has been done in case of petitioners. Reply to the Special Civil Application has not been filed by respondents.

4. The petitioners are workcharged employees of Public Works Department and for this class of persons, the Government has laid down a policy for giving them benefits of regular pay scale, increments, allowances, retirementary benefits, etc. under the Resolution dated 17th October 1988 though it was implemented by subsequent Resolution of year 1991. This Court had occasion to consider those Resolutions in other matters of Public Works Department in respect of workcharge employees. In service matters, it is the duty of petitioners also to bring latest position of the matter to the notice of the Court. There is a possibility that during this period of sixteen years, the petitioners and other persons mentioned in annexure 'A' would have retired by now.

5. Taking into consideration the totality of the facts of this case, the Special Civil Application is disposed of with directions to the respondents to consider the cases of petitioners as well as the persons mentioned in annexure 'A' to the Special Civil Application for giving them benefits of the Resolution dated 17th October 1988. This exercise, if it has not been undertaken so far, may be undertaken and completed within a period of six months from the date of receipt of writ of this order. In case the petitioners as well as the persons mentioned in annexure 'A' are found entitled for the benefits flowing from the aforesaid Resolution of the Government, they may be given all consequential benefits, if not yet given. Where the respondents consider that the petitioners are not entitled for any benefits whatsoever, a reasoned order may be passed and a copy of the same may be given to the petitioners. Liberty to the petitioners for revival of the Special Civil Application in case of difficulty. Rule stands disposed of in the aforesaid terms.

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(sunil)